

**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION**

Dated: Nainital the 18th day of May 2005
Criminal Misc. Bail Application No.160/2005

Order on the bail application of accused

CRIMINAL SIDE

Gurmej Singh S/o Jogendra Singh
R/o Gola Pipal
P.S. Nanakmatta
District Udham Singh Nagar

.....Applicant

Versus

State of Uttaranchal

...Opposite Party

Arising out of case crime No.1095 of 2004
U/s 307, 504, 506 I.P.C.
P.S. Nanakmatta
District Udham Singh Nagar

Hon'ble J.C.S. Rawat, J.

Heard Sri S.K. Mandal learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. As per the prosecution version, the incident took place on 1.12.2004 at about 8PM. The FIR lodged on 2.12.2004 at about 8:45AM stating therein that the applicant had a countrymade pistol in his hand are fired upon the husband of the complaint-Channa Singh with the intention to cause the death of Channa Singh.

The learned counsel for the applicant contended that the statements of the injured and the doctor have not been recorded. Chargesheet shows that they have not been cited as the witnesses of the prosecution. The learned A.G.A. refuted the contention and contended that the earlier I.O. did not record the statements of the victim and the doctor. Thereafter, the circle officer directed to re-investigated the matter. Consequently thereupon, the statements of the victim and the doctor were recorded. Perusal of the medical report reveals that the injuries have been sustained by the fire-arm. The applicant is the main assailant. Considering the facts, contentions of the parties and totality of the circumstances of the case, it is not a fit case for bail.

Therefore, the bail application is hereby rejected.

(J.C.S. Rawat, J.)

Dated 18.5.2005
LSR